

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CV350
)	
v.)	
)	
DAN J. MILLER, et al.,)	CONSENT JUDGMENT
)	AND DECREE OF
Defendants.)	FORECLOSURE AND
_____)	ORDER OF SALE

This cause came on for determination upon the Complaint filed herein by the plaintiff, United States of America. Plaintiff appears by and through its attorneys, Michael G. Heavican, United States Attorney for the District of Nebraska, and Laurie M. Barrett, Assistant United States Attorney for said District. Defendant, ARL Credit Services, Inc., appears by and through its attorney, Melanie A. Knoepfle.. Defendant, Beneficial Nebraska, Inc., appears by and through its attorney, Christopher D. Curzon. Defendants Dan J. Miller, and Dawn M. Miller, failed to answer or otherwise appear or plead to the allegations contained in the Complaint and said defendants are in default in this action.

The Court, having examined the record of these proceedings, and having been fully advised in the premises, finds:

That the Court has jurisdiction of these proceedings pursuant to Title 28, United States Code, Section 1345;

That due and legal notice of the pendency of this action has been given;

And that the Court has acquired jurisdiction of all the parties.

And this cause coming on further to be heard on the pleadings and the evidence and being submitted to the Court, on due consideration, the Court finds:

That each and all of the allegations of plaintiff's complaint are true;

That plaintiff is entitled to a Decree of Foreclosure and Order of Sale as prayed;

That the premises herein described will sell to the best advantage in one entire tract;

That there is due and owing to the plaintiff as of August 25, 2006, the principal sum of \$70,726.54, plus accrued interest in the amount of \$5,959.77, together with interest accruing on the principal sum due at the rate of \$14.0377 per day from August 25, 2006, until the date of entry of this decree, and \$11,241.21 interest credit or subsidy subject to recapture. Interest will accrue on the total of said sums from and after the date of entry of this decree at the legal rate of 4.97% computed daily and compounded annually until paid in full. The amount due plaintiff as stated herein is the first lien on the following described real estate in Platte County, Nebraska, to-wit:

Lot 2, Block A, Hellbusch Fifth Addition to the City of
Columbus, Platte County, Nebraska.

That there is due and owing to the defendant, ARL Credit Services, Inc., as of September 25, 2006, the principal sum of \$585.37, and post judgment costs of \$72.43,

plus accrued interest in the amount of \$21.53, together with interest accruing at the rate of \$0.08 per day from September 25, 2006, until the date of entry of this decree. Interest will accrue on said sums from and after the date of entry of this decree at the legal rate of 4.97% computed daily and compounded annually until paid in full. The amount due the defendant, ARL Credit Services, Inc., as stated herein is the second lien on the above-described real estate.

That there is due and owing to the defendant, Beneficial Nebraska, Inc., as of August 25, 2006, the principal sum of \$5,642.91, plus accrued interest in the amount of \$1,875.27, together with interest accruing at the rate of \$3.25 per day from August 25, 2006, until the date of entry of this decree. Interest will accrue on said sums from and after the date of entry of this decree at the legal rate of 4.97% computed daily and compounded annually until paid in full. The amount due the defendant, Beneficial Nebraska, Inc., as stated herein is the third lien on the above-described real estate.

IT IS ORDERED:

1) That judgment should be and is hereby entered against defendants Dan J. Miller and Dawn M. Miller.

2) That the above and foregoing findings are hereby made a part of this decree and order and by this reference incorporated herein;

3) That, if the costs as indicated below and the several amounts above found due and interest thereon be not paid within twenty (20) days herefrom, all equity of

redemption in said premises be foreclosed and said premises sold as upon execution in one entire tract;

4) That the plaintiff shall apply for and the Clerk of the United States District Court shall issue an Order of Sale;

5) That the United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;

6) That, as upon execution, said United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;

7) That, upon confirmation of said sale, said Clerk shall apply the proceeds as follows:

First, to the payment of the costs of the plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;

Second, to the payment of the amount found due the plaintiff with interest thereupon according to law;

Third, to the payment of the amount due the defendant ARL Credit Services, Inc, with interest thereupon according to law;

Fourth, to the payment of the amount due the defendant Beneficial Nebraska, Inc, with interest thereupon according to law;

Fifth, to the payment of the costs of the United States Marshal for per diem and special requirements;

8) That said Clerk shall retain in the Registry of the Court any surplus from said sale until further order of the Court.

9) That the aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska.

10) And that, upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of said real estate to such purchaser(s).

DATED this 29th day of September, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

Prepared and submitted by:

UNITED STATES OF AMERICA

By: MICHAEL G. HEAVICAN
United States Attorney
District of Nebraska

And: /s/ Laurie M. Barrett
LAURIE M. BARRETT, #17584
Assistant United States Attorney
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506
(402) 661-3700
laurie.barrett@usdoj.gov

Approved as to form and content:

ARL CREDIT SERVICES, INC., Defendant

By: /s/ Melanie A. Knoepfle
MELANIE A. KNOEPFLE, #20418
Knoepfle Law Office, P.C.
1468 25th Ave., #1
Columbus, NE 68601
(402) 564-1418
maknoep@megavision.com

BENEFICIAL NEBRASKA, INC., Defendant

By: /s/ Christopher D. Curzon
CHRISTOPHER D. CURZON, #19513
Dwyer, Smith, Gardner, Lazer, Pohren,
Rogers & Forrest, LLP
8712 W. Dodge Rd., Suite 400
Omaha, NE 68114
(402) 392-0101

ccurzon@dwyersmith.com